

DIVISION OF ENVIRONMENTAL HEALTH SERVICES
COUNTY OF PUTNAM-STATE OF NEW YORK



IN THE MATTER OF THE COMPLAINT AGAINST
MICHAEL A. BARILE

RESPONDENT(s),

Arising out of the Alleged Violations of the Public
Health Law of the State of New York, the Sanitary Code
of the State of New York, the Sanitary Code of the Putnam
County Health District, and Administrative Rules,
Regulations and Standards Promulgated Pursuant Thereto

NOTICE OF HEARING
CASE NO. 029-19-19WS

Michael A. Barile
888 Route 6
Mahopac, NY 10541

PREMISES: 825 South Lake Boulevard
(T) Carmel, T.M. 75.43-1-22

PLEASE TAKE NOTICE THAT CHARGES have been preferred against you to the effect that you have violated the health laws as more fully set forth on the reverse side of this notice:

YOU ARE HEREBY SUMMONED TO APPEAR at a hearing to be held under the provisions of the Sanitary Code of the Putnam County Health District and Public Health Law of the State of New York before Eric S. Zaidins, Esq., an Administrative Law Judge of the Department of Health of the County of Putnam on the 6th of November 2019 at 10:30 A.M., in the Hearing Room, located at Route 312, 1 Geneva Road, Terravest Corporate Park, Brewster, New York, at which time the charges will be informally discussed, and such adjourned dates as may be designated. In case of inclement weather, call (845) 808-1390.

AT ALL TIMES YOU WILL HAVE THE RIGHT to be represented by counsel and the right to deny the charges, in whole or in part, following which the matter will be rescheduled to a date certain and a Formal Hearing will be conducted thereon, and a record of all the proceedings will be made, witnesses will be sworn and examined and cross examined, and documentary evidence may be offered and received, and you may produce witnesses and evidence in your behalf;

AT THE HEARING, IN THE EVENT YOU WISH TO ADMIT TO THE CHARGES, the Hearing may be terminated by written stipulation of discontinuance provided the violations have been corrected;

UPON YOUR FAILURE TO APPEAR, a warrant compelling your appearance may be issued or an Inquest Hearing conducted and a determination made;

CIVIL PENALTIES up to \$2,000 for a single violation, per day, may be assessed against you, and such further orders may be made herein as the circumstances may warrant; THE BOARD OF HEALTH may issue a warrant to any Peace Officer of the County, pursuant to Section 309 of the Public Health Law, to bring to its aid the power of the County whenever it shall be necessary to do so, with the same force and effect as if such warrant had been issued out of a court of record.

PUTNAM COUNTY BOARD OF HEALTH

DATED: October 15, 2019
Brewster, NY 10509

Michael Nesheiwat, M.D.
Interim Commissioner of Health

Adjournments may be granted only if no present health, safety or nuisance condition exists. If a person other than an owner, corporate officer or attorney should appear on your behalf, a written and notarized authorization is required.

STATEMENT OF CHARGE

IT IS HEREBY ALLEGED THAT THE PERSONS HEREIN BEFORE NAMED RESPONDENTS are charged with violations of the Health Laws of the State of New York and the Sanitary Code of the Putnam County Health District as follows:

SANITARY CODE OF THE PUTNAM COUNTY HEALTH DISTRICT – ARTICLE 3

Violations as of: September 16, 2019

CHARGE

1

SECTION

8.3B

Regulation:

The owner, his agent, or person in control, or the lessee of tenant who shall be in responsible charge of such property for which an approval of plans* required herein shall have been issued, shall not use or permit the use of such system or facilities until construction of the same shall have been completed in accordance with the conditions of the approval of plans* and specifications approved by the Department and a construction compliance* for central wastewater systems is issued by the Commissioner/*Director or his/her duly authorized representative and a copy is filed in the Department*

Violation:

Connection to the Carmel Sewer District #1 WWTP without the issuance of construction compliance by the PCDOH, connection without approval from the NYCDEP (Approval Condition# 8), and connection without proof of compliance with the applicable Town of Carmel ordinances (Approval condition #9) (As stated in the NYCDEP field report dated 9/9/19).

ADJOURNMENTS: Public Health Law violations are serious. They affect or may affect the health, safety and welfare of the community. They cannot be permitted to go on indefinitely. Casual adjournments or hearings will be granted. Applications for adjournments must be made in person or by counsel to the Hearing Administrative Law Judge at the time set for hearings, except for legal excuses. Persons operating an establishment, business or facility without a permit, for which a permit is required – will not be granted an adjournment. **Health matters are involved and the Public Safety is a paramount consideration.**

MN:cml

cc: Joseph Paravati ☒